

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE**

**IN RE: VALSARTAN, LOSARTAN,  
AND IRBESARTAN PRODUCTS  
LIABILITY LITIGATION**

MDL No. 2875

Honorable Robert B. Kugler,  
District Court Judge

**This Document Relates to All Actions**

**PHARMACY DEFENDANTS' NOTICE OF MOTION  
TO ADOPT IN PART AND OBJECTIONS IN PART TO  
SPECIAL MASTER'S REPORT ON PLAINTIFFS' MOTION FOR  
LEAVE TO AMEND MASTER COMPLAINTS AND SPECIAL  
MASTER ORDER NO. 46 PURSUANT TO FED. R. CIV. P. 53(f)**

**PLEASE TAKE NOTICE** that on December 6, 2021, or as soon as counsel may be heard, the undersigned Defense Executive Committee counsel, on behalf of all Pharmacy Defendants named in the operative Master Personal Injury Complaint [ECF No. 122], the operative Consolidated Second Amended Economic Loss Class Action Complaint [ECF No. 398], and the operative Consolidated Amended Medical Monitoring Class Action Complaint [ECF No. 123] shall move for the entry of an Order adopting in part and rejecting in part the Special Master's Report on Plaintiffs' Motion for Leave to Amend Master Complaints [ECF No. 1614] (the "Report") and Special Master Order No. 46 [ECF No. 1615] (the "Order"). In this motion, the undersigned Pharmacy Defendants respectfully move this Court to adopt Paragraphs

1 through 11 of the Order, each of which is consistent with this Court's prior rulings; respectfully request modification of the Order to dismiss with prejudice all claims against the Pharmacy Defendants except those where leave to amend was specifically granted, as explained by the Pharmacy Defendants in their motion; and object in part to and move that the Court not adopt those portions of the Report and Order granting Plaintiffs leave to amend to pursue economic loss and medical monitoring claims "under the laws of all fifty states, the District of Columbia, and Puerto Rico," including claims "based upon the laws of the jurisdictions where a named Plaintiff neither resided nor was injured." Report at 8; *see also* Order ¶¶ 12-13 (granting Motion to Amend to the extent not otherwise denied).

**PLEASE TAKE FURTHER NOTICE** that in support of their motion and objections, the undersigned Pharmacy Defendants shall rely upon the Memorandum of Law in Support submitted herewith, filings made by the Manufacturer and Wholesaler Defendants regarding the Report and Order, and any reply submissions made hereafter; and

**PLEASE TAKE FURTHER NOTICE** that a proposed Order is submitted herewith; and

**PLEASE TAKE FURTHER NOTICE** that oral argument is requested, pursuant to Fed. R. Civ. P. 53(f)(1), if this motion is opposed.

Dated: October 29, 2021

Respectfully submitted,

/s/ Sarah E. Johnston

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Corporation) and Rite-Aid  
Corporation*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 29th day of October, 2021, a true and accurate copy of the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which will send notice of electronic filing to CM/ECF participants.

/s/ Sarah E. Johnston  
Sarah E. Johnston